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6 IN THE UNITED STATES DISTRICT COURT

7 EASTERN DISTRICT OF CALIFORNIA

8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ADRIAN LOPEZ,

13 Defendant.

CASE NO. 1:20-CR-00019-ADA-BAM

STIPULATION TO VACATE TRIAL AS TO
ADRIAN LOPEZ AND SET CASE FOR CHANGE
OF PLEA AND ORDER THEREON

Court: Hon. Ana de Alba

14

15 **STIPULATION**

16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
17 through defendant's counsel of record, hereby stipulate as follows:

18 1. By previous order, this matter was set for a trial confirmation hearing on October 31,
2022, at 9:00 a.m. and a jury trial on November 15, 2022.

20 2. By this stipulation, defendant now moves to vacate the trial confirmation hearing and the
21 trial as to ADRIAN LOPEZ and to set the case for a change of plea hearing on November 28, 2022 at
22 8:30 a.m. before the Hon. Ana de Alba. The proposed change of plea date represents the earliest date
23 that all counsel are available, taking into account counsels' schedules, defense counsels' commitments
24 to other clients, and the court's available dates for a change of plea hearing. In addition, the public
25 health concerns cited by General Orders 611, 612, 617, 618, and 620 and subsequent general orders
26 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case
27 because counsel or other relevant individuals have been encouraged to telework and minimize personal
28 contact to the greatest extent possible.

1 3. The parties agree and stipulate, and request that the Court find the following:

2 a) Discovery in this case has been provided, and consists of voluminous
3 investigative reports, wire interceptions recordings and electronic messages, precise location
4 information data, and more, approximately 82,000 pages/files, as well as cellular phone
5 downloads. Defense counsel requires additional time to review the discovery, to conduct
6 additional investigation and legal research, and to confer with his client about how to proceed in
7 this case. All of this discovery has been either produced directly to counsel and/or made
8 available for inspection and copying.

9 b) Counsel for the defendants believes that failure to grant the above-requested
10 continuance would deny him/her the reasonable time necessary for effective preparation, taking
11 into account the exercise of due diligence.

12 c) The government does not object to the continuance.

13 d) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of November 15, 2022 to November
18 28, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it
19 results from a continuance granted by the Court at defendant's request on the basis of the Court's
20 finding that the ends of justice served by taking such action outweigh the best interest of the
21 public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 24, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO

JUSTIN J. GILIO

Assistant United States Attorney

Dated: October 24, 2022

/s/ Jeff Hammerschmidt

Attorney for Defendant Adrian Lopez

ORDER

IT IS SO ORDERED.

Dated: October 24, 2022

UNITED STATES DISTRICT JUDGE